

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 1:17-00152

CORY LEE CALLEN,

Defendant.

**MEMORANDUM OPINION AND ORDER**

Pending before the court are four (4) pretrial motions by defendant, Cory Lee Callen. See ECF Nos. 25-28. Based upon the responses of the government, each motion is **GRANTED** to the extent that the parties have stipulated.

1. Defendant filed a motion in limine seeking to suppress evidence regarding defendant's prior criminal convictions. See ECF No. 25. The government's response indicated that the parties have agreed to stipulate that the defendant has previously been convicted of a crime punishable by imprisonment for a term exceeding one year, meeting the criminal conviction element of 18 U.S.C. § 922(g)(1). See ECF No. 30. Thus, the government represented that it will not introduce evidence of defendant's criminal convictions at trial. Id. Thus, defendant's motion is granted to the extent that the parties have stipulated.

2. Defendant filed a motion in limine regarding allegations of defendant's drug dealing. See ECF No. 26. The government responded that it does not intend to introduce<sup>1</sup> evidence regarding defendant's alleged drug dealing at trial. ECF No. 27. As a result, defendant's motion is granted.

3. Defendant filed a motion in limine regarding defendant's alleged June 16, 2017 assault of Amanda White. See ECF No. 27. The government responded that it does not intend to introduce evidence related to this alleged assault at trial. See ECF No. 32. As a result, defendant's motion is granted.

4. Defendant filed a motion to suppress photographic identification evidence of the defendant by a potential witness, Jerry Thompson. See ECF No. 28. The government responded that Mr. Thompson will not be called as a witness at trial and Mr. Thompson's identification of the defendant will not be introduced at trial. See ECF No. 33. As a result, defendant's motion is granted.

Thus, based upon the government's representations, the court **GRANTS** defendant's pre-trial motions, ECF Nos. 25-28, to the extent the parties have stipulated.

The pretrial motions hearing originally scheduled for

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<sup>1</sup> The government notes that it reserves the right to use such evidence to impeach or rebut defendant's representations at trial.

November 28, 2017 is hereby cancelled.

The Clerk is directed to send a copy of this Order to  
counsel of record.

It is SO ORDERED, this 21st day of November, 2017.

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge